

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
COLUMBIA DIVISION

DAVID MILLS

v.

C.C.A., et al.

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NO. 1:10-0015

**ORDER**

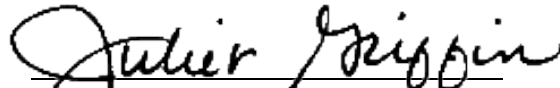
Presently pending is the Plaintiff's motion to add evidence (Docket Entry No. 59), in which he seeks to file into the record copies of prison grievances and responses. Also attached to the motion are affidavits from Anthony Thomas, John Nelson, and Brian Baugus. See Docket Entry No. 59-1, at 7-11. To the extent that the Plaintiff wishes to make these documents a part of the record, the motion is GRANTED. However, the Plaintiff is advised that if he seeks to rely on these documents in any manner in either responding to a motion filed by the defendants or supporting a motion that he filed, he must do so by making clear and specific references to particular documents. The Court will not sift through these documents merely because they are part of the record or based upon a general reference to them.

Also pending is the Plaintiff's motion to compel (filed July 15, 2010; Docket Entry No. 58), in which he seeks an order compelling the Defendants to respond and produce "the items listed in my motion of discovery." Defendants Ray, Hodge, and the Tennessee Department of Correction have filed a response (Docket Entry No. 60), in which they assert that they have never been served with a discovery request from the Plaintiff. The remaining fifteen (15) defendants have filed a response (Docket Entry No. 61), in which they assert that they responded on July 14, 2010, to discovery requests which were served on them by the Plaintiff.

In light of the responses filed by the Defendants, which have not been rebutted by the Plaintiff, it appears that no discovery was served upon Defendants Ray, Hodge, and the Tennessee Department of Correction and that responses to the discovery requests served upon the other Defendants have, in fact, been served upon the Plaintiff. Accordingly, the motion is DENIED. The Plaintiff's motion to compel was likely filed while these responses were in the mail.<sup>1</sup>

Any party desiring to appeal this Order may do so by filing a motion for review no later than fourteen (14) days from the date this Order is served upon the party. The motion for review must be accompanied by a brief or other pertinent documents to apprise the District Judge of the basis for appeal. See Rule 72.02(b) of the Local Rules of Court.

So ORDERED.

  
JULIET GRIFFIN  
United States Magistrate Judge

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<sup>1</sup> The Court notes that the Plaintiff's motion to compel fails in any manner to comply with the requirements for the filing of such a motion as set out in Rule 37 of the Federal Rules of Civil Procedure and with Local Rule of Court 37.01.